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August 3, 2009

VIA HAND DELIVERY

Karen V. Gregory, Secretary
Federal Maritime Commission
800 North Capitol Street, N.W.
Washington, D.C. 20573

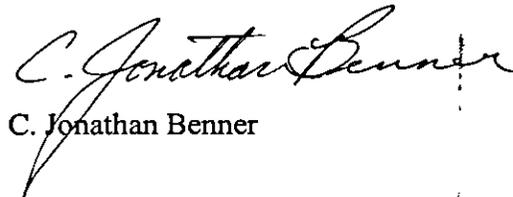
RE: FMC Docket No. 08-05 – *City of Los Angeles, California, Harbor Department of the City of Los Angeles, Board of Harbor Commissioners of the City of Los Angeles, City of Long Beach, California, Harbor Department of the City of Long Beach, and the Board of Harbor Commissioners of the City of Long Beach – Possible Violations of Sections 10(b)(10), 10(d)(1) and 10(d)(4) of the Shipping Act of 1984, Respondents' Reply in Support of the Motion of the Bureau of Enforcement for Dismissal of Proceeding Including Request for Certification to the Commission*

Dear Ms. Gregory:

Enclosed for filing please find the original and fifteen copies of Respondents' Reply in Support of the Motion of the Bureau of Enforcement for Dismissal of Proceeding Including Request for Certification to the Commission. In addition, we have included an extra copy, which we would ask that you please date stamp and return in the enclosed envelope.

Please feel free to contact us at (202) 274-2880 or -2862 if you have any questions about this filing.

Yours very truly,


C. Jonathan Benner

OFFICE OF THE GENERAL
FEDERAL MARITIME COMMISSION

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BEFORE THE
FEDERAL MARITIME COMMISSION

City of Los Angeles, California, Harbor)
Department of the City of Los Angeles, Board of)
Harbor Commissioners of the City of Los)
Angeles, City of Long Beach, California, Harbor)
Department of the City of Long Beach, and the)
Board of Harbor Commissioners of the City of)
Long Beach – Possible Violations of Sections)
10(b)(1), 10(d)(1) and 10(d)(4) of the Shipping Act)
of 1984)

DOCKET NO. 08-05

OFFICE OF THE CLERK
FEDERAL MARITIME COMMISSION

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The City of Los Angeles, the Harbor Department of the City of Los Angeles, the Board of Harbor Commissioners for the City of Los Angeles, the City of Long Beach, the Harbor Department of the City of Long Beach, and the Board of Harbor Commissioners of the City of Long Beach’s Reply in Support of the Motion of the Bureau of Enforcement for Dismissal of the Proceeding Including Request for Certification to the Commission

The City of Los Angeles, the Harbor Department of the City of Los Angeles, the Board of Harbor Commissioners for the City of Los Angeles (collectively, “POLA”), the City of Long Beach, the Harbor Department of the City of Long Beach, and the Board of Harbor Commissioners of the City of Long Beach (collectively, “POLB”),¹ hereby respectfully submit this Reply in Support of a “Motion of the Bureau of Enforcement for Dismissal of the Proceeding Including Request for Certification to the Commission.” Respondents concur in the essential elements of the position of the Bureau of Enforcement (“BOE”). This matter was initiated prior to the implementation of the Ports’ Clean Truck Programs. Much operational experience has been gained since that time, substantial evolutionary changes have occurred in both ports’ administration of their Clean Truck Programs, litigation in other fora has affected the

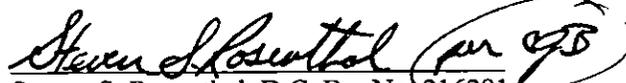
1. POLA and POLB are also collectively referred to herein as “the Ports” or “Respondents.”

operational content of the programs, and the nature and complexity of the programs has resulted in enormous expenses for all principal parties in fulfilling their discovery obligations to one another. These expenses, whether visited on the Ports or on the Commission, place burdens on public funds at a time when governmental programs are subject to severe budgeting constraints. Based on these concerns and circumstances, it is completely appropriate to dismiss the current investigation.

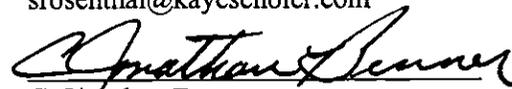
In light of the foregoing, Respondents fully support BOE's Motion. We note that the presiding Administrative Law Judge has suspended the procedural schedule pending Commission disposition of BOE's motion. The Ports urge the Commission to act quickly on BOE's request.

Dated: August 3, 2009

Respectfully submitted,

Handwritten signature of Steven S. Rosenthal in cursive, with a circled "per" and initials "EJB" next to it.

Steven S. Rosenthal, D.C. Bar No. 216291
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Handwritten signature of Jonathan Benner in cursive.

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of August 2009, a copy of the foregoing Reply in Support of the Motion of the Bureau of Enforcement for Dismissal of the Proceeding Including Request for Certification by the Commission on behalf of the City of Los Angeles, the Harbor Department of the City of Los Angeles, the Board of Harbor Commissioners for the City of Los Angeles, the City of Long Beach, the Harbor Department of the City of Long Beach, and the Board of Harbor Commissioners of the City of Long Beach was served on the following persons:
VIA FIRST CLASS MAIL (copy by e-mail):

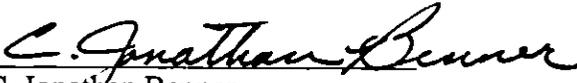
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